The Perfect Law of Freedom

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'The one who peers into the perfect law of freedom and perseveres, and is not a hearer who forgets but a doer who acts, such a one shall be blessed in what he does' (James 1:25).

Freedom, in one sense of the word or another, is a central theme of the bible, the Old Testament as well as the New. During the Middle Ages, Christian theologians developed this theme into a doctrine of the natural right of freedom of the individual or natural person and made it into a moral and intellectual bulwark against the encroachments of the modern state. The classical liberal or libertarian tradition in Western political thought, from John Locke to the American Founding Fathers to Friedrich Hayek and Murray Rothbard, owes an immense debt to the likes of Thomas Aquinas, Jean Gerson, Francisco de Vitoria, Juan de Mariana and Batholomé de las Casas. Not coincidentally Christianity and classical liberalism together went into rapid decline towards the end of the nineteenth century and especially in the globalisation of European wars in the twentieth century. At that time, mass democracy and national expediency became the pretexts of choice to subvert constitutional limitations on the use of political power. The decline was not halted—was perhaps even accelerated—when Christians and liberals alike began to adopt 'social doctrines' and the advocacy of social policies that only confirmed the impression that there is no salvation outside the state.

However, I do not intend to describe the historical linkages between classical liberalism and Christianity. Instead I shall try to explicate their relevant common concept of personal freedom and trace its role in some of the central stories of the bible, those that purport to be direct reports of the actions and words of God or Jesus Christ. I am not concerned here with the stories about the Jews or with the reports of what prophets and apostles said about the meaning and relevance of the divine words and actions. Important as they are for understanding the Jewish and the Christian traditions, they already are historical expressions and applications of religious beliefs rather than expositions of the story to which those beliefs refer. Still less am I concerned with doctrines and creeds elaborated much later by theologians, divines and other inspired men or women, even though for many Christians one or another of these may be a central part of how they themselves would define Christianity.[1]

[1] There is no fundamentalist motive behind my approach. However, as one who is not a Christian, I have no intention of getting involved in the disputes among the proponents of various Jewish or Christian doctrines and creeds.

The bible tells a tale of the unexpected, full of twists and turns. It presents its truths in its central myths. It is to those myths that we should turn if we want to peer into that perfect law freedom of which James spoke, without having to wade through a sea of footnotes of biblical scholarship and theological explanation. Their theories and interpretations come and go with the fashions in the industries that produce them. Neither God nor Christ is available for public comment, emendation or rebuttal. But the stories are there; we can always go back to them.

In referring to the myths of the bible I am not being dismissive. Myths can be treasures of wisdom and truth even if there is incontrovertible proof that the story they tell does not correspond to any real occurrence.[2] Their truths are in their relations, not in their elements, no matter how closely these elements correspond to observable things and events. To use a familiar formula: they can be true of the world without being true in the world.

1. Truth and Communication

In a sense, Christianity *is* a complex historical phenomenon that covers many ages, personalities, movements and institutions and a variety of conflicting creeds and doctrines. Throughout history, Christians have instigated, opposed and been allied with many social and political movements and regimes. They have taken up many causes, often on opposing sides of the same issue. With respect to human freedom, there are many cases in history in which Christians contributed greatly to the cause of freedom; but there also are many cases, often the same, in which Christians did nothing to promote it or even actively opposed it. If we go by what Christians do or say or have done and said, finding out what Christianity says about freedom is not terribly difficult but probably more confusing than enlightening.

Apart from what Christians have said and done, is there such a thing as 'Christianity itself'? If there is then it must be found in the biblical stories about Jesus, the Gospels, rather than in other scriptural texts or later traditions. They tell us that he claimed to be

[2] That, of course, holds for all the great works of the creative imagination. Shakespeare's Hamlet and Othello reveal a lot of what is true about the human condition, regardless of whether there ever was a Prince of Denmark called Hamlet, a Venetian general called Othello, or any other man whose life and death corresponded more or less to the events in either of those plays. So does Shakespeare's Macbeth even though historians now claim that he little resembles the real Macbeth. Moreover, neither the literary greatness of those dramatic stories nor their truths about the human condition are in anyway dependent upon the answer to the question whether Shakespeare or somebody else wrote them. Of course, whoever wrote the plays was not creating a consistent mythology. He wrote for dramatic effect and aesthetic enjoyment, not in an endeavour to express universal truths.

and was the Son of God, the Christ, who had come to live and die as a man. They report some of his relations, actions and words and leave no doubt that he preferred to speak in parables and one-liners. Some of his actions are miraculous on a small, almost human scale, involving one individual at a time, some fish, a few loaves of bread. The Gospels do not explain why he appeared then and there, in the periphery of a great empire, among a people with a long and troubled history. However, he frequently referred to the history and the religious practices of that people, which makes it necessary to bring in the holy books of the Jews to make any sense of the very little that we are told about him. Indeed, he claimed to be the Son of the God whose words and actions, among many other things, are reported in those books. However, he did not leave written records. All we have are a few short accounts of a short but dramatic public appearance of one who in his own time attracted no more than a handful of followers. Not many of those who heard him actually listened. Convincing others seems several degrees more difficult than performing miracles. Isn't that improbable?

According to the myths of the Old Testament, God also had a sort of public life on Earth. However, that was not in historical but in mythical time, in the Garden of Eden—and even there he was heard rather than seen. After that, if he appeared at all, he did so only to one individual at a time and even then more often than not in puffs of smoke or clouds or in dreams rather than in full view of the world that he created. Like the Christ, he did not leave written records; yet we are told that, again like the Christ, he wanted to be heard and listened to. There is a problem here.

Unlike the Christ, God was not confined by choice or mission to the limitations of a human person. Indeed, he is reported to have performed some literally earth-shaking acts. Why, then, did he speak as if he were so confined? Why, given his supposed supernatural powers, did he not use the full moon as a message board on which to write his commands and other communications? Why go through the process of having a man spend days carving them into stone under conditions no labour inspector would tolerate—only to see one copy smashed[3] and another lost? Questions like that bring out the sheer improbability of the story. Detractors of the biblical religions have built many a convincing case on them, while proponents have used them to insist on unconditional, unreasoned acceptance: *Credo quia absurdum*.

If we take into account that the stories are part of a mythology, the questions are inappropriate and childish. Myths have to be understood in their own terms. We should see the extreme economy of divine interventions and communications, and their almost always private and secretive and to the receivers often costly character as an essential part of the story—a message in themselves. God speaks

[3] Exodus 32:19

directly only to one or a few individuals, not to faceless crowds or an abstraction such as Mankind. Truths enter the world of man via individual minds. They will not become truths of mankind by divine authority but by human endeavour.

Already in the old books of the bible it is quite clear that with few exceptions, all of whom are long dead, people will have to go by hearsay and therefore always must judge for themselves whether what they hear is authentic or a concoction. There is room aplenty for doubt but it is our responsibility to resolve our doubts ourselves. In that sense, human freedom and human responsibility are not just theoretical notions about which we can learn from reading what God or the Christ said about them; they are among the pragmatic presuppositions of the way these supernatural beings spoke and acted.

2. Being a free person and being free to do something

If James' "perfect law of freedom" is not mere hyperbole then it must imply that, for those who see that being a free person entails responsibilities and obligations, living and acting in freedom is its own reward, a blessing in itself. Freedom is a lawful thing. It is not licence. If a Christian life is full of responsibilities and obligations, it is nonetheless a free life. To some that may appear contradictory, reason enough to dismiss Christianity altogether, as if consistency would require it to be either a denunciation of freedom or a glorification of self-indulgence or licentious doing-what-you-want. They are wrong: while there is such a thing as living in freedom without obligations, it is at best a marginal sort of living, a curse rather than a blessing. It is not the kind that sustains the world. As we shall see, although a person who is not free is not free to do anything, one can be a free person and yet not be free to do anything.

The concept of freedom is relatively simple. That is not to deny that there are many more or less complex and mutually incompatible theoretical definitions that claim to be definitions of freedom. I mean only that the words 'free' and 'freedom' have a rather definite set of uses in ordinary language. We do not have to give these words a meaning; they have one.

A theoretical definition might imply, say, that a man is not free if he is poor or ill or ignorant. The motive for such a definition usually is that there are some things a poorer, sicker or more ignorant man cannot do which a wealthier, healthier or more knowledgeable man can do. Notice that two concepts are confused in this way of thinking: the concept of being able or having the opportunity and the concept of being free to do something or other.

In ordinary speech it will not do to say simpliciter that I am not free to go to the cinema with you because I am poor or have no money. Nor will it do to say that I am not free to go because I lack

sufficient education, or because I am blind or ill. Each of those reasons sufficiently explains why I cannot accompany you to the cinema, why it is pointless for me to go or why it will do me no good. None of them explains why I am not free to go.

It would be proper to say that I am not free to go to the theatre with you because I have other obligations, am obliged or forced by some other person to do other things, or live in a society where people like me are forbidden to go to the theatre. Thus, I properly can say that unless I gain or regain my freedom I cannot go with you. According to ordinary uses of speech, a person's freedom to do things is restricted only by his obligations or the force or coercive power of others. It would be odd to say that I am not free to go with you because my left foot got caught between the roots of a tree—even though it would be proper to say that I cannot go with you unless I can free my foot.

To say that a poor man is not free to do something is to suggest that there is a legal prohibition or a social convention that keeps (or is intended to keep) the poor from doing it. Alternatively, the suggestion might be that poor people usually have obligations that stand in the way of their doing it: I am not free to spend the little money that I have on going to the cinema; I have promised my wife to save it for paying for our kid's education. While such suggestions may be true or false, they obviously do not reveal a conceptual link between freedom and poverty. The theoretical definition that implies that a poor man is not free because he is poor simply defines a use of the word 'freedom' that does not correspond with the concept of freedom. There are plenty such definitions in the literature. There is little to which one can object as long as the authors who use them do not pretend to present a theory of freedom, only a theory of something else that, perhaps for lack of a better word, they prefer to call freedom. However, there usually are better other words aplenty.

Of course, a man's situation can be poverty-free, debt-free or tax-free; he can be free of sickness, physical or mental defects, ignorance, sin, enmity or hate, just as he can be free of oppression or free of obligations. Only in ironic speech should we say that a man is free of income, wealth, health, knowledge, righteousness,[4] friendship, love, or free of freedom. However, this sort of freedom applies across the board, not just to persons; it applies to all sorts of things: the room may be smoke-free or dust-free, a pet may be free of parasites, a face free of wrinkles, and so on. It is merely a condition of being without something that is in some way obnoxious, unnatural, improper, unfortunate or burdensome.

As far as persons are concerned, freedom-to-do is a condition of being without obligation (perhaps to oneself but typically to others) or of not being obliged by others. As noted before, a person can be

[4] "For when you were slaves of sin, you were free from righteousness." (Romans 6:20)

not free because he is forced or coerced by another, but then force and coercion can be applied to other things than persons: inorganic or organic matter, flows of air or water, animals and plants, and tools and machines. Thus, force and coercion take away a person's freedom-to-do by treating him as if he were a not a person—as if he belonged as a means of action to those who exert the force, supply the coercion. Note, however, that a free person remains a free person even when others coerce him to do certain things. That A does not respect the freedom of B by forcing him to do certain things does not change the fact that B is a free person. Whether B is or is not a free person does not depend on what A believes, prefers or does. Slavery is scandalous precisely because it consists in treating free persons as if they were not free.

'Being obliged by' and 'being obligated to' can be said properly only of persons. Often these terms are used as near-synonyms. Nevertheless, there is a difference between them. One may oblige another to do something even if he is under no obligation to do it. One may be under an obligation to do something even if no one is obliging him. An obligation is something that one undertakes or incurs as a consequence of one's own acts. In addition, one may be under an obligation merely because of the existence of other persons, but such an obligation does not arise from what another obliges one to do.

A person who obliges another to do something (without there being any obligation on the part of the other) is treating the other as if he belonged to the obligor. He acts as if he had a claim to the other's person itself, as if the other were not a free person. In contrast, one who is obligated to another may be a free person still, although he is not free to do anything that would interfere with his obligations—the other has a claim *against* him (but not *to* his person). Obviously, being free of obligations is not a necessary condition of being a free person. While many people at one time or another might wish to be 'as free as a bird' and to 'fly away from it all', few admire or envy a person without obligations, say, a drifter or someone who has outlived himself and merely sits out his time. On the contrary, most of us have a high regard for people who have many obligations and yet can manage them. Most people find joy and satisfaction in assuming obligations of one kind or another.

Undertaking obligations is something that only a free person can do.[5] Using one's personal freedom to undertake obligations towards oneself or others is not the same as losing one's personal freedom. Even one who has amassed so many obligations that he cannot do anything new without creating an immediate risk of failing to honour

[5] As a slave one cannot undertake obligations without the consent of one's master. As a citizen one cannot undertake obligations unless the legal system of the State in which one holds citizenship permits one to do so. Neither a slave nor a citizen is a free person, although those who are held as slaves or citizens may well be free persons: it is just that their freedom is not respected.

some of them, does not thereby lose his freedom as a person. As this extreme case shows, not being free to do anything except what one is under an obligation to do does not imply that one is not a free person. Nevertheless, it is a hopeless condition if one cannot manage one's obligations. However, being free to do anything whatsoever is little better if it betrays emptiness of purpose.

3. Among persons

One cannot read the bible without being struck by its dramatic aspects. Almost without exception, its stories focus on particular persons, which they depict as real-life characters with a proper name, an individual personality, particular virtues and vices, ambitions, hopes and fears, talking to and interacting with relatives, friends, enemies and strangers. Despite their special roles in the stories, despite the supernatural and miraculous aura that is uniquely theirs, even God and the Christ, when they make their personal appearances, are nothing if not life-like characters. The bible's strategy of exposition is literary: Show, don't tell. Hence, again with few exceptions, its stories make their point by showing us particular human beings in action. Although God has a part, though not always a speaking part, in every story, the immediate focus usually is on some human individual or group, from Adam to the prophets and then on to Jesus and the apostles. In that sense, the bible is a story of Man. However, this Man is not an aggregate, an abstraction, or a common denominator but every man or woman as an individual person. The bible is a story of the world; and that world is a dense network of interpersonal relationships.[6]

Although it graphically depicts the disorder and confusion that is *in* the world, the biblical story never allows us to forget the Law, the order *of* the world, created and constituted by God. The Law is the order of persons. In particular, it is the order of real persons, who are persons 'in their own right'. Their personality is their own. They really have the capacity to represent themselves in word and deed, to act on their own volition, to speak for themselves, and to answer for and give accounts of their own actions.[7] As real persons they really or lawfully belong to themselves.[8]

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[6] Etymologically, the word 'world' is the era of man. Cf. the Dutch word for world: 'wereld', from 'wer' (man) +'alt' (time, age).

[7] I take it as axiomatic that a person belongs to some person, either himself or one or more others—perhaps himself and one or more others. In other words, for every person, we can always ask which person is responsible for him, accountable and liable for his acts, and so on. See *The Logic of Law* (on allserv.ugent.be/~frvandun/Texts/Articles/LogicOfLaw.djvu).

[8] The reason for writing 'really or lawfully belong' is this: not only in the biblical but also in the philosophical sense, the Law is not just any 'legal system'. There is an almost infinite variety of legal systems that conventionally or by stipulation define relations of belonging that often have no basis in the

The biblical worldview implies a distinction among real persons between natural and supernatural persons, and among the latter perhaps also between divine persons, angelic persons and devils. In other words, it implies a dual and dichotomous reality: what is real may be natural or it may be supernatural but it cannot be both. A natural person is one that naturally belongs to himself: one that is by nature, by his physical constitution, capable of representing himself in word and deed, answering for and giving accounts of his own acts. Moreover, because in the biblical worldview nature, as the work of God, is a presupposition of the Law, what belongs naturally to a person lawfully belongs to that person. Thus, a natural person is a real person in view of the Law. In the biblical worldview, only human persons are natural. A supernatural person also really belongs to himself, but not because of his physical constitution or nature. He belongs supernaturally to himself. We obviously cannot know what that means, but according to the bible we know at least this: there is a certain likeness between God and other supernatural or natural persons, all of them having been created 'in the image of God'.

The Natural Law, the order of natural persons, is a part of the Law. It is an important part not just because we are natural persons and there are so many of us but also for logical and epistemological reasons. We cannot make sense of the Law if we cannot make sense of the Natural Law. However, we can make sense of the idea of a natural law because we do have the concept of a natural person and the concept of what sorts of things and actions belong naturally to such a person. Therefore we can understand the logic of the Natural law.[9] Moreover, because we can identify natural persons, their embodiments and actions, we can also apply the idea of the Natural Law to the world as we see and experience it. It follows that we can also discern whether what people do respects or fails to respect the natural order of the world, its Natural Law.

From a logical point of view, real persons stand in contrast to imaginary, fictional or fictitious, persons. Not being real persons, imaginary persons are not part of the Law. They do not belong to themselves and therefore must belong to some other person(s). Not belonging to themselves, they cannot represent themselves and therefore must be represented by some real person(s). They are not responsible for themselves. They cannot answer or account for their acts. Some other person must do that for them.

Another useful contrast is that between natural and artificial persons. Artificial persons do not naturally—and, according to the biblical logic of persons, do not supernaturally—belong to themselves. They are imaginary persons, which do not belong to

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real order of the world. Unfortunately, many people tend to confuse 'the Law' (the order of the world) with the particular legal system with which they are familiar.

[9] See my 'Natural Law: A Logical Analysis' in the on-line journal *Etica é Politica*, V, 2, 2003.

themselves at all. Nevertheless, we often talk about artificial persons as if they were real. Indeed, they may be said to belong to themselves in an artificial way, for example by convention or stipulation. However, our conventions and stipulations are not part of the Law. Therefore, artificial persons have no standing in the Law. Nevertheless, they may have standing in some conventional or stipulated order (the 'positive law' of a particular legal system). For example, a particular legal system may stipulate that an animal or a corporation *legally* belongs to itself. Within that system, the animal or the corporation is 'legally real'. However, not being really a real person, the animal or the corporation lacks the natural or supernatural capacity to represent itself; some natural person(s) must represent it. They are at best artificial persons. The same is true, by the way, for legal systems themselves, even those for which the attribute of sovereignty is claimed: without real representatives they are but empty forms. This is where legal positivism goes wrong. It hypostatises artificial persons to deny that natural persons have lawful rights and obligations independently of any social or legal system.

That the Law comprises both divine and natural or human persons is supported by the Ten Commandments, which certainly are a key element in the biblical story. They refer only to real persons, the true god and individual human persons. Moreover, they mention the latter only in their capacity as 'private persons', as individuals among their likes or neighbours, as husbands or householders in their relations with their spouses, children and others who live with them in their house, and of course also in their relation with God.

Apart from the family and the household, the Commandments do not refer to particular societies or organisations, be they political, social, economic or of another kind. They do not address people as occupants of a position in a society and they do not refer to the roles and functions or the rights and obligations that attach to such a socially defined position. Organisations (states, empires, corporations, companies, churches, clubs, and other 'societies') and organisational positions (Pharaoh, Government, Citizen, Director, Treasurer, City Councillor, Bishop, Deacon, and other personified social positions) are not parts of the Law. They are forms of action, rule-defined ways of doing things. That is why it is easy to personify them, to think of them as persons, doing and saying things, having interests, goals, preferences, and so on. However, they are not natural but artificial persons. They exist and function only because natural human persons willingly or unwillingly lend them their support. Therefore, although neither states, corporations, churches or other societies nor emperors, bishops, directors, citizens or other personified social positions are parts of it, the Law retains its full relevance for the people who at one time or another, in one organisation or another, come to occupy a social position.

The man who happens to act the part of a Director in a company or a member of a society still is a real person. The organisational, institutional or social rules that legally define his position in that society do not bind the man as such; they affect him only through his position. His position is a part of the society—he is not—and therefore belongs to it—he does not. His being a real person does not depend on his having a position in any society. As a real person he remains a part of the Law, the order of real interpersonal relationships, regardless of his position, role or function in any society or organisation. Only the Law is universal. Positive legal systems are merely local and temporary special arrangements that may or may not be lawful; but they are never lawful per se. Socialists, who believe that the social order—that is to say, the order of whatever society they happen to fancy—supersedes the Law of real persons, are beyond the pale of the biblical worldview. There is no such thing as a 'universal society'—no more than there is such a thing as a 'universal individual'.

Some people say that only natural persons are real persons and that, consequently, supernatural persons can only be imaginary persons, although by convention or stipulation they may have the status of a legally real person in a system of positive law. Even so, having the legal status of a real person in some conventional order is not the same as being a real person; therefore human persons must act vicariously as representatives of such legally recognised divine persons. Obviously, because this view implies that divine persons are not persons 'in their own right' it is not compatible with the biblical position. However, there need not be an incompatibility at all, if we consider only the Natural Law—that is to say, the condition of order among natural persons. Moreover, both views agree that no natural person has a lawful claim to represent any supernatural person unless he can prove his title and credentials as a representative. If, then, the 'supernaturalist' view were that the representatives of the supernatural are within the Natural Law, either because they themselves are natural persons or because they represent one who guarantees the Natural Law, then there would be no incompatibility at all. Naturalists may not believe the representative's claims but they need not fear any unlawfulness from his side. His belief 'neither picks my pocket nor breaks my leg.'[10]

An opposing view is that only supernatural persons are real. It implies that natural, in particular human persons are imaginary persons that belong to one or more supernatural persons, say, the biblical god or perhaps the devil. Not being persons in their own right, humans can only receive the status of a real person by divine artifice or stipulation—according to what one might call 'divine

[10] W. Peden (ed.), Thomas Jefferson, *Notes on the State of Virginia,* University of North Carolina Press, Chapel Hill, 1955, p. 159

positive law'. This view is not compatible with the biblical account, which holds that natural or human persons are real persons in their own right, not by artifice or stipulation. Some people, including many Christians, obviously do not agree with this assessment. Some Christians seem to believe that God must be exalted and that the only way to do that is to degrade oneself and other humans: 'God is everything, I am nothing.' However, consider that one of the most striking episodes in the biblical stories deals with God's *discovery* that man (Adam) 'has become like one of us', a real person.[11] That they turn out to be persons in their own right is presented as an unintended consequence of the fact that God created man and woman 'in his image'. It is not as if they were made real persons by his legal fiat. Moreover, not only does the view under discussion not fit the fact that, with few exceptions, human beings are self-representing persons, it also requires us to see human beings as mere passive forms through which supernatural persons act out their whims. This is not the biblical or the Christian view, which represents, for example, the devil as one who must *tempt* humans to join his side. Whether they do or not, is up to them. However, it is illogical to maintain that anything ever is up to an imaginary person.

Real persons can be free or not free but only real persons can be free. A free person belongs to himself (like any real person) and moreover belongs exclusively to himself: no other person has a lawful claim to his person. Real persons are not free if they belong not only to themselves but also to some other person(s), who have a lawful claim *to* them, not just a claim *against* them. The traditional view is that a lawful claim to a real person can and does arise only in consequence of a criminal act[12] of that person himself: There is no lawful way in which one unilaterally can deprive a free person of his freedom.[13] Consequently, a real person is lawfully free only if he is innocent of any crime. In contrast, regardless of their conventional or stipulated status in any legal system, imaginary and artificial persons cannot be lawfully free persons, whether they are innocent or not.

With its combination of the categories of the natural and the supernatural, the biblical notion of the Law is complex. This has implications for the question of the freedom of natural human persons. There is no doubt that human persons are real persons.

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[11] Genesis 3:22.

[12] A criminal act (crimen) is a non-discriminating act, one that does not discriminate properly between persons and non-persons or between one person and another. For example, it is a crime to treat a person as if he were a non-person, an innocent person as if he were a criminal, or an independent person as if he belonged to oneself.

[13] Legal systems are not hampered by this restriction. Indeed, most legal systems ('systems of positive law') contain rules that make it legal to deprive real persons of their freedom for a variety of reasons.

There also is no doubt that they are free persons within the Natural Law, at least as long as they do not commit a crime. Against this, some would say that human beings nevertheless really or lawfully belong to God, their 'Maker', and therefore cannot be free in the full sense of the Law. They can be free persons only in the Natural Law. However, there seems to be little ground for this view in the biblical story itself. It tells us that God made the first human stuff, fashioned it out of clay, blew the breath of life into its nostrils and then repeated the exercise using a bone taken from the first model; it also tells us that later specimens were not made by God but begotten by their parents. Moreover, they were born outside God's Garden or House in a place that he had given to Adam and Eve and their offspring after he had discovered that they had become real persons.

None of this implies that human beings owe nothing to God or that God has no claim against them, but there is no suggestion that they are God's property, that God has a lawful claim to their persons. In short, if the story does not rule out that humans have obligations to God, it arguably rules out that they are not free persons.

Admittedly, there is a long tradition, which has come to define various historical forms of Christianity, that attempts to void this conclusion with its doctrine of original sin.[14] If one equates that sin with a crime against God and if moreover it is a hereditary sin then one should conclude that God has a claim to every human person as long as he does not personally forgive that person for his crime (or perhaps until the genetic manipulators can doctor the gene that carries the sin). However, I really see no reason why one should interpret the eviction of Adam and Eve from the Garden and all the hardships of life as punishments for a crime. That interpretation perhaps satisfies a masochistic impulse of some Christians or their desire for power by exploiting feelings of guilt even where there is no evidence of guilt. To me it does not make much sense within the context of the larger story.[15] For one thing, how could Adam sin (in

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[14] '[T]hrough one person sin entered the world, and through sin, death, and thus death came to all, inasmuch as all sinned.' (Romans 5:12) 'For just as through the disobedience of one person the many were made sinners, so through the obedience of one the many will be made righteous.' (Romans 5:19) Both verses as translated in the New American Bible.

[15] I shall return to this point in the text. The Church accepted the doctrine of original sin largely on the authority of Saint Augustine. His elaboration of it created one of the most perplexing problems for the Church with which even Saint Thomas could not deal satisfactorily. Consider this segment in the Catholic Encyclopaedia (newadvent.org/cathen/11312a.htm):

> St. Thomas thus explains this moral unity of our will with the will of Adam. "An individual can be considered either as an individual or as part of a whole, a member of a society.....Considered in the second way an act can be his although he has not done it himself, nor has it been done by his free will but by the rest of the society or by its head, the nation being considered as doing what the prince does. For

the moral sense of the word) before he had acquired a moral consciousness, *before* he had eaten from the Tree of Knowledge of Good and Bad? Does an infant or a young child sin (in that moral sense) in acting contrary to an order?[16] Moreover, if—as an old tradition maintains—Adam sinned at the instigation of the devil then confining Adam to his room and evicting the devil would have been an appropriate reaction. Putting Adam out on the street where the devil could get at him all the more easily does not seem wise at all. It is not what any sensible parent or custodian would do upon discovering that a child had come under the influence of a 'bad friend'. Finally, why should God wish to tempt—or give any snake or devil the opportunity to tempt—the innocent babes in his Garden

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> a society is considered as a single man of whom the individuals are the different members (I Cor., xii). Thus the multitude of men who receive their human nature from Adam is to be considered as a single community or rather as a single body....If the man, whose privation of original justice is due to Adam, is considered as a private person, this privation is not his 'fault', for a fault is essentially voluntary. If, however, we consider him as a member of the family of Adam, as if all men were only one man, then his privation partakes of the nature of sin on account of its voluntary origin, which is the actual sin of Adam." (*De Malo*, iv, 1) It is this law of solidarity, admitted by common sentiment, which attributes to children a part of the shame resulting from the father's crime. […] Being a distinct person I am not strictly responsible for the crime of another, the act is not mine. Yet, as a member of the human family, I am supposed to have acted with its head who represented it with regard to the conservation or the loss of grace. I am, therefore, responsible for my privation of grace, taking responsibility in the largest sense of the word. This, however, is enough to make the state of privation of grace in a certain degree voluntary, and, therefore, 'without absurdity it may be said to be voluntary' (St. Augustine, *Retract.*, I, xiii).

I disagree. To refer to Adam as the head of the human family is to play on a metaphor. To liken Adam to a Prince and the human race to his subjects is to set up a baseless analogy that suggests absolute monarchy as the divinely ordained system of political rule (as in Robert Filmer's *Patriarcha*). To consider a person as a part of a society strictly means that one does *not* consider him as an individual person but only as an occupant of a position in that society—not as a real person but as an artificial person. The same holds for considering a society as 'a single man of whom the individuals are the different members'. Why, on whose authority, am I *supposed* to have acted with Adam, merely because I am human? There is an egregious fallacy here: one cannot explain the Law in terms of a legal fiction, or lawful relations among real persons in terms of legal relations among artificial persons. Finally, how authoritative, indeed how common is the supposed 'common sentiment' that admits the supposed 'law of solidarity'? Are not the references to 'responsibility in the largest sense of the word' and to voluntariness 'in a certain degree' obvious evasions?

[16] There is not much literal sense in saying that an infant or a small child 'disobeys' an order. At most we can say that it disobeys in a way that is similar to a dog that stands when it is told to sit, or a computer that does not load a program when the operator types the command to do so.

with the fruit of a tree he presumably did not need himself, if he knew it to be dangerous for them? Why did he not cut down the tree or at least put a fence around it?

The doctrine of original sin has engendered a web of perplexing confusion, not the least with respect to the question of human freedom. Why? It is not in the story of the Garden, which is one of the few places in the Old Testament in which God actually is 'on scene' and is not merely making an occasional appearance. Was there any need to 'read' it into that story merely because of what, ages later, some rhetorically gifted men or a tradition of uncertain origin said or allegedly said?

The root meaning of the word 'sin' is to be, and the original sin, in that sense, is man's way of being. That, of course, is a hereditary as well as a morally significant condition; it is not, however, a moral failing. Adam's sin did not consist in eating the fruit of the tree that was forbidden to him; rather, his eating from that tree revealed to him and to the Lord of the Garden his own way of being a person: it made him self-conscious[17] and it made God conscious of the fact that in stead of a playful little creature in his Garden he was now confronting another real person.

4. The order of the world and the problem of disorder

Although the Law or order *of* the world is 'given', it is within the power of persons to create disorder *in* the world by not respecting its conditions of order—that is to say, by not acting lawfully. Note, however, that the Law is not given, say, in the Ten Commandments or any other set of biblical prescriptions. It would be what it is and it would be as respectable as it is, regardless of whether there ever was a promulgation of the Ten Commandments, regardless also of the particular wording of the rules that are given in them.

The Law is something that we can respect or disrespect; it is not a commandment that we can obey or disobey. We ought to respect the Law not because God has commanded us to do so but because it is the only law there really is; we ought to obey the commandments because they tell us how we can respect the Law. One who understands a machine and how it works knows that he will either destroy or impair it or fail to see its uses, unless he respects the principles that make it what it is. One who does not yet know the laws of the machine itself is advised to follow faithfully the instructions in the manual. However, it is not the manual that makes the machine what it is.

[17] Some Christians consider the human self the proof of sinfulness per se. Their ideal seems to be that of a 'selfless person'—an oxymoron if there ever was one—not just an unselfish person who makes full allowance for the existence and the needs of others.

Order among real persons is problematic because of the concurrence of four individually necessary and jointly sufficient causes of interpersonal conflict: *plurality* and *diversity* of persons, and their *free access* to *scarce resources*.[18]

There can be no interpersonal conflict in a world of effective *unity* where there is no plurality of persons but only one independent or active person who belongs to no other person and to whom all others belong. There can be no interpersonal conflict in a world without diversity, a world of effective *consensus*, where every person agrees with every other on every occasion about which action to undertake: a world that is a real community of like-minded persons. Nor can there be such conflict in a world of effective *abundance*, a world without scarcity, in which every person can pursue all of his goals without having to sacrifice one goal to attain another. Finally, there can be no interpersonal conflict in a world without free access, a world of effective *property*, in which one person's scarce means are not accessible to others and every person can use only his own means to pursue his goals but cannot deprive others of their means to pursue their own goals. In short, unity, consensus, abundance and property are four alternative theoretical solutions to the problem of interpersonal conflict.

Unity implies a consensus of sorts because the one active independent person thinks, speaks and acts for all the other persons. It does not solve the problem of scarcity itself but removes the problem of free access: only the one active and independent person has free access to scarce resources; all the others have access to them only in so far as he permits them to use such resources. Unity is the obvious solution for those who believe that in a world of scarcity order (peace) is well worth the price of giving up plurality, diversity and free access. Although consensus does not imply that any person unilaterally belongs to another, it too solves the problem of free access without removing scarcity: no person will use any resource in any way unless all others agree with the use he intends to make of it. In a world of plurality and scarcity, consensus implies the sacrifice of diversity and free access. Abundance, solving the problem of scarcity, leaves plurality, diversity and free access intact. Property, in contrast, only removes free access, without touching plurality, diversity and scarcity. Clearly, how one evaluates each of the four theoretical solutions depends on what one thinks of the feasibility and the desirability of removing plurality, diversity, scarcity or free access. Which of these solutions does the bible embrace?

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[18] For more detailed expositions of the analysis of the problem of interpersonal conflict, see my "The Logic of Religion and the Concept of Economic Order", in J.G. Backhaus, W. Heijmann, A. Nentjes, J. van Ophem (eds), *Economic Policy in an orderly Framework*, Wirtschaft: Forschung und Wissenschaft Bd.5, Lit Verlag, Münster, 2003, 407-428.

According to some interpretations, the bible suggests that unity is the ultimate solution. However, it will be achieved only with the restoration of the Kingdom of God on Earth. Then, men, having free access again to the Tree of Life, will live comfortably in total dependency under the direct rule of God. However, in the restored Kingdom of God the Tree of Knowledge of Good and Bad will no longer be present[19]: there will be no opportunity to repeat the 'original sin' of acquiring a moral consciousness of one's own. The abundance that is symbolised by the Tree of Life comes at the price of loss of moral consciousness (or self-consciousness), which has no purpose anyway for beings that live in total dependency under the rule of another. Note that, on this view, the solution of the problem of order in the world requires a divine intervention; there is nothing humans can do that will bring about order (unity) as long as they inherit the capacity for making their own decisions.

In contrast, the more common and orthodox interpretations see the bible as a celebration of the plurality and diversity of persons and of property rather than utopian abundance as the way to ensure harmony among many diverse persons:

> *Then God said: "Let us make man in our image, after our likeness. Let them have dominion over the fish of the sea, the birds of the air, and the cattle, and over all the wild animals and all the creatures that crawl on the ground."*
> *God created man in his image; in the divine image he created him; male and female he created them.*
> *God blessed them, saying: "Be fertile and multiply; fill the earth and subdue it. Have dominion over the fish of the sea, the birds of the air, and all the living things that move on the earth."* (Genesis 1:26-29)

Thus, the plurality and the diversity of mankind as well as its dependence on scarce resources—God gave it only one Earth—were all part of the creation, fixtures of the world in which it had to survive. Moreover, man turns out to have this capacity for knowing good and bad, for moral consciousness or conscience. It is a capacity that would be pointless if every action or choice were as good or as bad as any other—which it would be if there were no scarcities. Indeed, without scarcity, no choice carries any cost; no action implies foregoing an opportunity to do anything else. Of course, one cannot think consistently of a world in which many diverse persons, acting independently of one another, would enjoy true abundance. To give just one extreme example: it would be a world in which A can satisfy his desire to murder B while his victim can satisfy his desire to go on living.

If plurality and diversity are fixtures of the world that God created and if abundance (which, unlike wealth, is incompatible with

[19] There is no mention of the Tree of Knowledge of Good and Bad in the 'New Jerusalem' as described in the Book of Revelation.

scarcity) is unthinkable[20] in such a world then only the idea of property remains as the basis for harmonious or conflict-free co-existence. Consequently, respect for the Law is respect for other persons and their property, no matter how many persons there are, no matter how diverse they are. On this view, property is part of the Law; the idea of property is implied in the concept of order of the world, given that in the world there are many diverse persons and that its resources are scarce. Hence, whether there is order or disorder in the world, and how much of either there is, depend on the ability of human persons to recognise and respect property relations among themselves and in their relations with God.

The biblical law of freedom now has definite contours. It has nothing to do with liberation from scarcity or any other natural or earthly limitations or constraints. It is not a law that makes one free of obligations. Instead, it is a law that defines freedom as the lawful command over oneself and one's property, so that everyone can deal with the problems of scarcity by the use of his own resources without ever claiming as his own what is another's.

5. The Ten Commandments

The biblical problem of order among real persons has three parts because the Law may be broken by conflict and disorder in the relations among supernatural persons, among human natural persons, and among human and supernatural persons. Let us look at the Ten Commandments to see how the bible deals with this threefold problem.[21]

> *I, the LORD, am your God, who brought you out of the land of Egypt, that place of slavery.*
>
> *1. You shall not have other gods besides me*

The biblical account solves the first part of this problem—the possibility of a conflict among supernatural persons—by its affirmation of monotheism. In its strictest and absolute sense, monotheism is the thesis that there is only one independent supernatural person, one god, although he may be surrounded with other supernatural but dependent persons (say, angels) under his rule. A weaker form asserts that there is an effective consensus among the gods: no matter how many they are, they are and act as

[20] One can understand why Karl Marx, the most influential philosopher of literal abundance, declined to give any details about the final stage of communism—that stage in which every man, having overcome every conceivable limitation, would be everything.

[21] I have used the New American Bible translation of Exodus 20:2-17; I have numbered the Commandments straight through, following the grouping by verse.

one person (say, according to the model of the Holy Trinity). A still weaker form holds that there is only one *true* god, or one community of true gods, leaving open the possibility of the existence of one or more false gods or fallen angels. In its relative or anthropocentric form, monotheism maintains that there is in any case only one true god or one community of true gods that has anything to do with the human world.

However, it is idle to speculate about the supernatural realm. After he had settled the matter of Adam and Eve, the biblical god sealed off access to his own secret place.[22] About God and his place no human being can know anything but what God chooses to reveal. Apart from revelation, there can only be a tradition of stories that goes back to what Adam and Eve remembered from their days in the Garden. Neither of these sources is enough to allow us to make many definite inferences. Nevertheless, it seems that God's place is a realm without plurality or diversity, where there is no interpersonal conflict, no disorder. If there is a threat to the Law then it does not originate on the divine side. That, perhaps, is the full extent of the significance of monotheism.

Of course, humans presuming to have claims to or against God can threaten the Law. Monotheism would be no support of the Law if people were free to choose or make their own gods, thereby exporting their own plurality and diversity into the supernatural realm, dragging the divine into their own quarrels. They should resist the temptation to choose or make their own gods or to give God any attribute that strikes their fancy or satisfies their desire for solving their own practical or theoretical problems of the moment.[23] As real persons they admittedly have the power to do such things; nevertheless they should accept that God is who he is, a real and free person in his own right, independent of any human preference, interest or theory.[24] God's position is not 'up for grabs'. There is no need to apply for the job; the position already is taken. And this, indeed, is the condition that the first commandment requires us to respect: *You shall not have other gods besides me.*

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[22] Genesis 3:24.

[23] At least the God of Genesis does not appear to be omnipotent or omniscient or to have infallible judgement. Before deciding to create Eve he experiments with various animals to see which one will dispel Adam's loneliness (Genesis 2:18-20). At one point he comes to regret that he ever made man and any animal life other than fish (Genesis 6:6-7). He hears about an outcry against Sodom and Gomorrah and resolves 'to go down there' to see for himself what is going on (Genesis 18:20-21). When God makes a decision about those cities, Abraham engages him in an argument and gets him to concede that the decision is wrong (Genesis 18:32). Moses too gets God's ear (Exodus 32:14).

[24] Every real person, not just God, is who he is—not what you think he is or should be. The first commandment is a direct implication of respect for the law of real persons.

Obviously, the relevance and binding force of the first commandment cannot be derived solely from its statement of a merely formal monotheism. Not just any one god will do. As a matter of logic, the only god that fits the bill of a monotheistic doctrine is a universal god, a non-partisan god that can be the same god for every man or woman. While there may be human persons who devote themselves more or less or not at all to God, in view of the Law none of them belongs to God—all of them are real, self-representing, self-responsible persons; and a universal god is committed to respect each one of them equally.[25] He also must be a god who does not belong to any human person and owes nothing to any man or woman except full respect as another real person. No human person has any claim to or against the divine person. In short, the God of the Law must be a god of freedom, because freedom and only freedom is conceivable as a universal condition of order in a world of many diverse persons where resources are scarce.

Not surprisingly, the god of the Ten Commandments identifies himself as a god of freedom: *I, the LORD, am your God, who brought you out of the land of Egypt, that place of slavery.* Within the context of the biblical story, it was appropriate on the occasion when Moses received the Ten Commandments to remind the Jews of their deliverance from slavery in Egypt. By itself, that does not signify the action of a universal god. However, the bible links the God of the Ten Commandments to the Lord of the Garden of Eden, who also and in a far more universal and fundamental way is a god of freedom.

The story of the Garden has to be understood as it is told. It is the story of the loss of natural innocence (that is, non-culpable ignorance of moral categories), the passing of childhood and the onset of adulthood. It is a story to which anyone of us can relate—most of us indeed from personal experience.

As children we never had to worry about where the next meal was going to come from. That was our parents' worry. They gave us food and wanted us to eat it. The Tree of Life was always there. We never had to make our own decisions; they were made for us and we only had to do as we were told. We generally liked that because we liked to do things, especially things that we had not done before and that seemed important and valuable to our parents and would please them if we did them right. It did not matter that their importance was hidden to us; they afforded us yet another opportunity to play. Our child's play did not involve knowledge of the difference between good and bad. Indeed, it was clearly understood that knowledge of that sort belonged to the parents and that we did not

[25] In the language of some Christians, this is expressed by saying that God is no respecter of persons—that is to say, for any person he is and acts the same irrespective of whether that person is a king or a slave, rich or poor, a scientist or an ignoramus.

know better. The fruits of the Tree of Knowledge of Good and Bad were forbidden to us.

Meanwhile, although as children we had no sense of time, we did grow up. Then came the stage in youth when our parents discovered that child's play, toys and pets no longer satisfied us.[26] Only another human being, not an adult but someone our own age, could do that. We did not need another toy or another authority but someone to talk to rather than to listen to and obey, someone whose answers to our questions would not have that sort of authority that prevents us from looking for or holding on to our own—in short, we needed an equal. That we should not eat the fruit of that forbidden tree was no longer obvious. Indeed, we began to ask questions that we could not answer without the sort of knowledge that it appeared to provide. And so we did eat from the tree. It was all a part of growing up and becoming adults, but it changed our lives as it changed the lives of our parents and their attitudes towards us.

Upon noticing that Adam and Eve had eaten from the Tree of Knowledge of Good and Bad, that they had grown up and become 'like one of us, knowing what is good and what is bad', The Lord of the Garden gave them their independence, a life of their own outside the Garden. Like a good parent, he did not do so without first giving them a hearing and lecturing them on the hardships and the responsibilities of leading their own lives.[27] Going out into the world, where they have to take care of themselves, they no longer have access to the Tree of Life that had been freely accessible to them as long as they where children in the Garden.

Although often interpreted as a punishment for disobedience or pride,[28] the episode clearly is a sublime rendering of that dramatic phase in the life of every family when it becomes clear to the parents that their children have grown up to be adults in their own right and, inexperienced as they are, nevertheless deserve to be given the freedom to stand on their own feet and to make their own way in the world. Children are not to be punished for growing up, tasting the fruit of the Tree of Knowledge of Good and Evil. However, it does not reflect well on them if they subsequently refuse to accept responsibility for their actions, preferring instead to deflect responsibility to someone else—like Adam trying to blame Eve and Eve trying to blame the serpent.[29] If, from Adam and Eve's point of view, the expulsion was fraught with frightful prospects and might have appeared as a punishment, from God's point of view it was a moral imperative. Having acquired a moral consciousness, they were

[26] Genesis 2:18-20.

[27] Genesis 3:9-19.

[28] See the discussion of 'original sin' above in the text and in footnotes 14, 15, and 16.

[29] Genesis 3:12-13. They had eaten from the tree. Now they were trying childishly to shift the responsibility for what they did. Perhaps that was their first ('original') moral sin. It is not a hereditary sin.

now 'like him' and the rule of like over like never can be just. It would be immoral and the epitome of injustice to keep the grown up children in the home, under the rule of the parents.

The expulsion from the Garden was an act of emancipation. It was an act of formal and material justice. Formally, justice requires a hearing and an explanation: it cannot be done 'at sight'.[30] Materially, nothing is more unjust for a moral being than to keep another, who like him knows good and evil, under his tutelage and care, depriving him thereby of the opportunity to lead his own life.

On the part of Adam and Eve, the expulsion was an act of fortitude, because nothing is more cowardly and degrading for a person than to refuse to accept the responsibility for his own life in the hope of continuing to enjoy the carefree existence of a dependent child. Dependency, like slavery, is not the proper condition of an adult. The biblical story solves the problem of the onset of adulthood in they way sensible, responsible parents always have solved it.

In the story of the Garden, God is the primordial father figure, whose history resembles that of any parent. At first he looms large as the ruler of the household of the Garden, then he becomes an active counsellor, exhorting his people with a stern and booming voice and arguing with them even if it means conceding that they have a valid point.[31] Later, he retreats into the background, being heard only as a still small voice within. Finally, he is no more than a memory: the silent God, no longer in this world, that one can only invoke and pray to. At the same time, the story is a story of human emancipation: outside the Garden, man must learn to carry the burdens of living his own life, working out the problems of living together in peace and harmony. However definite the formal act of emancipation may be, learning to live as befits a real person is a long and arduous process, with no guarantee of success.

The story of the fatherly God emphatically illustrates how much God and man are similar. Yet, it also indicates the solution to the problem of a conflict between God and man. The expulsion from and subsequently the sealing off of the Garden leave each one of them, God and man, in his own domain or realm. God sets man free by expelling him from the Garden and giving him the Earth. The Garden—or Heaven or whatever one might wish to call it—is God's property; the Earth belongs to man. If they respect one another's property rights in their own domain (including their own person) then there is no conflict between them, no matter how much they may disagree in their opinions. If they do that then they respect each other's freedom, for freedom is the condition of him who lawfully

[30] Hence, even Cain, who killed his brother Abel, received a mark indicating that he was not to be killed at sight (Genesis 4:15).

[31] See, for example, Abraham's argument with God about not killing the innocent with the guilty in Sodom. (Genesis 18:32)

belongs to himself and only to himself, no matter how much he may have burdened his life with obligations towards himself or others.

> *2. You shall not carve idols for yourselves in the shape of anything in the sky above or on the earth below or in the waters beneath the earth; you shall not bow down before them or worship them.*

This commandment comes with an explanation apparently by God himself. *For I, the LORD, your God, am a jealous God, inflicting punishment for their fathers' wickedness on the children of those who hate me, down to the third and fourth generation; but bestowing mercy down to the thousandth generation, on the children of those who love me and keep my commandments.*

> *3. You shall not take the name of the LORD, your God, in vain.*

Again, there is explanation: *For the LORD will not leave unpunished him who takes his name in vain.*

The god of freedom declares himself to be a jealous god. Those who think they can have or make another god are only deluding themselves. Those who hate freedom and make an idol of anything else inevitably bring punishment on their children 'down to the third and fourth generation'. That is how things are: any social or political system that denies human beings the freedom that is their most vital right works out as a punishment. Yet, the punishment is relatively short because such a system has no future: it will whither away. Think of Hitler's Germany, Mao's China, the Soviet Union and other recent short-lived experiments in political idolatry. In contrast, the children of those who love freedom and heed its commandments will have mercy bestowed on them 'down to the thousandth generation.' Respect for freedom brings forth a virtuous, self-reinforcing cycle of human life; any attempt to thwart it sets in motion a vicious, self-destructive spiral that leaves no future. As Tocqueville put it: 'The man who asks of freedom anything other than itself is born to be a slave.'[32] According to the third commandment, presumably the same punishment awaits those who take God's name in vain. Loving freedom is not the same as paying lip service to it. Vain freedom is no freedom at all. Think of the modern Western interventionist and regulatory states. According to their rulebooks, the democratic icing on the bureaucratic cake is the law; freedom is being free from obligations towards other real persons while being subject to the man-made god that is the State; and totalitarianism refers to the unlimited range of what is subject to political intervention[33] only within a one-party system.

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[32] A. de Tocqueville, The Old Régime and the French Revolution (1856), Part III, chapter 3. (tr. Stuart Gilbert, Anchor Books, 1955)

[33] Today political intervention also includes intervention mandated by the courts—the government of judges, who are magistrates appointed and funded by the state.

Nowadays, the literal mindset that comes with formal schooling is virtually incapable of finding truth in mythological accounts. Yet, we can express the law against idolatry and vanity theoretically[34] in evolutionary terms, by pointing out the path-dependency of 'social evolution'. That is but another way of saying that the effects of the actions of one generation spill over into the lives of those in the next generations. Diverting from the path of freedom carries a huge price tag, not necessarily for those who abandon the Law of freedom but in any case for others and in particular for those who come after them. The fate of the members of a generation depends to a large extent on whether their forebears valued or disdained freedom.

It is true that the biblical text has God inflicting punishment on the children for the wickedness of their fathers. Is this not the epitome of injustice: punishing the innocent for the acts of the guilty? Likewise, is not God's bestowing mercy on the children for the virtues of their fathers an act of injustice? The answer would be affirmative, if the god of the bible were a fairy-tale figure, say, an omnipotent magician, able and willing to do whatever he wants whenever he wants on any scale he wants. However, the biblical god is not like that. The punishment mentioned in connection with the second and third commandments is a negative but inevitable consequence of human action. In some ways it is like the so-called 'punishment' of Adam and Eve, but it differs from it in not being according to a moral imperative of justice but according to causal law. The punishment is a causal consequence of a moral failing, forsaking the god of freedom. It is not a punishment that God can inflict or not inflict, depending on his whim. The consequences of giving up freedom and embracing slavery or subjection are hard-wired into the fabric of the world.

To understand that, it is necessary to remember that the biblical stories link the god of the Ten Commandments not only to the Lord of the Garden but also to the god of Genesis 1. He is the creator who brought order out of primordial chaos, created heaven and earth, separated the light from the darkness, and let the land and the sea and the air on Earth teem with living creatures. All of this was in place before the human species appeared and it was God's gift to man when the latter began to show capacity for moral judgment. This god is the personification of order in the universe, that is to say, of every kind of order that is not man-made. He has no desire to tamper with the order of universe, seeing that 'it was good'. Man appeared in an ordered universe, where the laws of cause and effect were already established and applied to him also. Indeed, at first, man was mere matter, only a shape made of clay; later he became a living being when God blew the breath of life into his nostrils. Only when God settled him into his Garden, fed him and reared him,

[34] Perhaps in a Hayekian manner. F.A. Hayek, *Rules and Order*, Routledge & Kegan Paul, London.

teaching him the skill of cultivating the soil and giving him another human being as a companion, did man acquire a moral nature and become more than the mere living matter with which the Earth already was teeming.

Yet, the bible assures us that the creator of the universe and the fatherly Lord of the Garden are one and the same god. Thus, although he has created man 'in his image', God is not human. He is and remains what he was as the creator of the universe: no man. God is no man and no man is God; no man created the universe; no man created man. These are the basic truths of Genesis 1, the denial of which is the root of heresy, the confusion of God and man. Consequently, no man is responsible or can claim credit for what no man does or did. However, as a moral being, every man is a free and responsible agent. Hence, while no man can choose to be other than a human being, and while no man can choose his actions and their effects independently of one another, every man by nature is free and responsible as far as his actions are concerned. Therefore, it is never true that God (that is to say, no man) is responsible for what man, any man, does. The world and human nature are 'given' by no man. They are gifts of God that henceforth are man's responsibility. If a man's actions have negative 'external effects' on others, perhaps on his own children, that is his responsibility, not God's or no man's.

Again, we find here a confirmation of the central thesis that personal freedom and personal responsibility are inseparable. Acting in the world, as it was constituted before he appeared in it, man produces consequences. If—assuming such a thing were possible—God were to intervene to attach to man's actions only those consequences that he or any man would like, he would deprive man not only of his responsibility but also of his freedom, thereby violating the essential requirement of justice.

4. Remember to keep holy the Sabbath day.

Again, this commandment comes with an explanation, apparently an interpolation: *Six days you may labour and do all your work, but the seventh day is the Sabbath of the LORD, your God. No work may be done then either by you, or your son or daughter, or your male or female slave, or your beast, or by the alien who lives with you. In six days the LORD made the heavens and the earth, the sea and all that is in them; but on the seventh day he rested. That is why the LORD has blessed the Sabbath day and made it holy.*

The explanation makes the commandment look a bit odd.[35] Without doubt it is a good thing regularly to set aside a day of rest

[35] The six days of the creation obviously have nothing to do with the days of the week and the work of creation in no way resembles man's labour. Moreover, in God's time there apparently are only seven days: when the work of creation is finished, God rests but the adventure of man has yet to begin.

from labour, but there is no compelling reason why this has to be a particular day in a seven-day cycle nor is it a necessity that six days of work will be enough to sustain seven days of life. Perhaps the significance of the fourth commandment lies elsewhere. It makes an appropriate transition to the next commandments. If, as Jesus maintained, "the Sabbath was made for man, and not man for the Sabbath"[36] then the fourth commandment is the first that directs attention to the obligations of man towards man—in particular, of every husband or householder towards himself, his spouse, children, slaves or servants. It reminds us that although to work is man's inevitable lot, it is only a means and not the purpose of life. We work to live; we do not live to work.

5. Honour your father and your mother,[37]

This commandment too reminds us of our obligations as human beings towards other human beings. Like the fourth, it is not in the form of a prohibition—'You shall not…'—but in the form of a positive command. While the prohibitions identify specific types of action, the positive commands have regard to the spirit or underlying motives with which we are to act towards others. Arguably, they anticipate the Christian 'fulfilment of the Law'[38] which is concerned less with mere respect for other persons than with the motive force of love and care for others that implies respecting them as persons in their own right.

6. You shall not kill.
7. You shall not commit adultery.
8. You shall not steal.
9. You shall not bear false witness against your neighbour.
10. You shall not covet your neighbour's house. You shall not covet your neighbour's wife, his male or female slave, his ox or ass, or anything else that belongs to him.

These commandments actually define—admittedly not exhaustively or theoretically but by means of familiar examples—the sorts of actions by which one person would encroach on the freedom of another. The Law is that every person is free, belongs to himself and no other person, and that what lawfully belongs to a person cannot

[36] Mark, 2:27. Jesus argued against the Pharisees that the Sabbath is not broken in cases of necessity or by acts of charity, cured the ill and infirm on the Sabbath and defended his disciples for plucking ears of corn on that day (Mathew, 12:3 sqq.; Mark, 2:25 sqq.; Luke, 6:3 sqq.; 14:5). St. Paul maintained that the Jewish observance of the Sabbath is not obligatory on Christians (Colossians, 2:16; Galatians 4:9-10; Romans, 14:5).

[37] Again, we get a somewhat odd explanation: *that you may have a long life in the land which the LORD, your God, is giving you.*

[38] Matthew 5:17

be taken lawfully from him without his consent, unless he has committed a crime. What belongs to a person belongs to him either naturally (his life) or because of his work (his material property in so far as he produced it) or his agreements with other persons (his material property in so far as he received it as a gift or bought it; also his claims against other persons which reflect the obligations they have towards him, for example because of the vows of marriage). Hence, killing, stealing and committing adultery are obviously unlawful acts. Hence also, bearing false witness against another person is unlawful because it is but an attempt to take away his freedom under the pretext that he has committed a crime.

The tenth commandment appears to make mere coveting (desiring, hankering after) another's property an unlawful act. This may seem odd in so far as to covet is not per se to act. However, it is a most appropriate last commandment in that it reminds us that no desire, no matter how strong, can ever justify an unlawful act. That is not to say that we should be free of desires; it is to say that to respect the Law we must be in control of our desires.

6. Christianity

Quite apart from his teachings, the story of Jesus Christ presents and, for those who believe that he is God become man, proves a powerful statement: if God were a man, he too would suffer and die at the hands of men. Such suffering and dying, therefore, are not divine punishments for sin.[39] They are what the powers that be inflict upon those who will not submit to them. Those who live and act outside the rules imposed by men have good reason to live in fear of suffering and violent death; that fear is not groundless. Once inside the human world, even God will be subject to the same treatment. He still may work miracles, which involve the neutralisation, in a particular instance, of the causal laws of the material universe he created; but he will not act against the Law to neutralise the actions of real persons. Jesus did not come to take away or undo human responsibilities but to remind us of them. Thus, the Jesus story invalidates the belief that worldly punishment is proof of sin as well as the concomitant belief that worldly reward is a proof of virtue. It breaks the conventional link between morality and legality while reaffirming its real link with the Law.

Living and acting in defiance of established powers is not per se a sin. Of course, the story of Jesus is not about defiance for the sake of defiance; it is about defiance for the sake of truth—that is the only sort of defiance that has any consistency to it. The story

[39] Unless, of course, one believes that becoming a human person is itself a sin—or perhaps that God sinned in getting involved in or breaking into the world, just as a man would sin by sneaking back into the Garden of Eden, eluding 'the cherubim and the fiery revolving sword' (Genesis 3:24).

reminds him who wishes to rule others by playing on their fear of suffering and death that his power is limited: one who chooses to live as a real natural person and therefore also accepts to die and to suffer—for there is no life without the risk of suffering and death—can annul 'the power of death'. One can torture or kill such a person but one cannot control him as a person or appropriate his life. In a manner of speaking, he escapes with his life—he takes it with him. By dying himself the Christ disabled the power of death over a person's life—he vindicated personal life. In contrast, one who submits out of fear of what others might do to him thereby forsakes his life as his own. He leaves it to others to avail themselves of the opportunity to take it for themselves and to reduce him to slavery or some other form of servitude.

The Jesus story makes the statement that human life itself is not sinful. In that sense, Christ's suffering and death indeed washed the sins out of our life. While we are all sinners in one way or another, to some degree or other, the sins are in what we do, not in what we are. What we do, we do by choice; but we are not the real persons that we are by choice. We sin in our actions, not in our being. Hence, it is quite possible to hate the sin and to love (to care for and sympathise with) the sinner—and that in turn makes it possible, though not any easier, to love others, whom we know only by their actions, as we love ourselves. For we know that we ourselves are more than the sum of our actions. We know that with each action that we take there is another that we might have chosen instead. That is why we can forgive those who 'have trespassed against us' and hope for forgiveness for 'our trespasses'—perhaps not in the eyes of our fellow men but certainly in the eyes of God. We are not what we do and what we do in itself does not exclude redemption.

7. Covenant versus Rule

Obviously, the manifest biblical focus on personal freedom and responsibility repels many people. On the one hand, there are those outsized ego's for whom the very idea that there is something beyond themselves, something not within their power, is anathema. They cannot stand the idea that they should be responsible to anybody else, as if there were someone or something that was not theirs. Typically seeing themselves in the Gnostic fashion as the embodiment of the *true* Man (Humanity in present parlance, or, more hypocritically, Democracy or even Science), they cannot stand the idea that much of what is vital to human existence is no man's work and therefore to no man's credit. To their mind, that idea implies an external limitation of Man's power and therefore an injustice in view of Man's right to be and have whatever he wishes.

On the other hand, some simply cannot accept the double burden of responsibility, the burden of having to answer for their own acts and the often even heavier burden of holding others to account.

They are eager to deflect responsibility to no man, to God. Therefore, they need to believe that things happens, not according to the laws of God, but according to his direct, immediate will: he and he alone is responsible.

Recently, an old professor of mine was interviewed on television. A former Jesuit turned atheist and socialist, he answered a question about what he would say to God if he were to meet him: 'I would tell him that he is a coward.' He apparently imagines God to be a tyrannical omnipotent ruler and chides him for not acting the part. The whole idea of a moral or constitutional limitation of power—of things that are 'not done' even if one has the capability and the opportunity to do them—is foreign to his mind. Yet, the moral and constitutional limitation of power is a central idea of the bible: whatever God's power may be (and that is something we obviously know nothing about), he is not free to intervene in human affairs except to safeguard his own rights under his covenant with man. Should he do more, he would infringe upon the rights established under the covenant that set man free and gave him the Earth as his domain of freedom on the condition that he move out of the Garden and assume responsibility for his own life and acts.

From the moment God realised that Adam and Eve had become 'like one of us, to know what is good and what is bad', the relation between man (every human being) and God is one of relevant likeness ('equality') among otherwise independent persons. Because unilateral rule of like over like is out of the question, some kind of contract or covenant between man and God must regulate their interaction. The biblical account is firmly committed to this view. With God the covenant and the Law are safe: he will not break either of them. That is why we 'shall have no other god'. No other god has given this guarantee. God is like a constitutional monarch, who reigns but does not govern. His basic function is to occupy his place lest it falls into the hands of one who will not only reign but also govern, thereby destroying the guarantee of freedom.

To maintain that God should do this or that and is a coward if he does not do it is to throw away everything the bible says about the Law. It is to deny the very logic of the covenant and to replace it with the image of God as the master and ruler of men. According to that interpretation, human beings are merely distinct and separable and indeed separated parts of God. As such, a man's existence is meaningless except in so far as it is a part of God's. While men are mere particular beings, God alone is whole. As parts of God, they therefore wholly belong to him. They have no purpose but to serve him. He is their lord and master, their commander. Hence, in this view, separation from God deprives humans of any sense of direction. They are lost. Here is where the idea of the separation as punishment for the crime of disobedience comes in: separation is not an emancipating act of justice but a denial of meaningful life.

The covenant-interpretation implies respect for God and his works; the command-interpretation implies service to God, doing God's work. Thus, in the former, virtue centres on justice. Sin accordingly is defined as being in defiance of the fundamental law or constitution of the world, in particular being disrespectful of God—for example, pretending to be God, substituting a god of one's own making for the true God, taking credit for his works, or blaming him for one's own failures. For the other interpretation, virtue centres on submission and obedience. Disobeying God is the paradigmatic sin.

The covenant also restricts God's interventions to actions that are permissible under the agreement. Justice is not only Man's but also God's virtue. The Law also binds God's actions at least in so far as they are related to human personal life. He may be free to give but he is not free to take. Moreover, not having any jurisdiction over material things (which are parts of what was given to man), his gifts lawfully can be only of an immaterial nature, for example allowing one to experience his presence or to get a vision of his existence. Robbing Peter to pay Paul is not his way. While not necessarily predictable, God's interventions are in any case according to law and principle. Thus, he may guard his rights under the covenant. In all other matters, he is bound—perhaps not physically but certainly morally—to respect human choices, whether he agrees with them or not. He was not acting out of character when he told Samuel to let the people have a king if that is what they want. In the same breath he instructed Samuel to warn them that they should not come running to him like cry-babies if they ever should regret their choice.[40] Being free persons, humans have every right to make their own choices but in making them they should know that they cannot pick and choose their consequences.

The covenant, then, disallows the appeal to God's will for any act of injustice by one person against another. Indeed, it allows no appeal to God's will for any human act. Only an appeal to the Law carries authority.[41] Against this, the command view does not place any kind of restriction on God's actions, whether committed by God himself or in his name or behalf. It places God above the Law, above any law. No human appeal against the commands of God is valid, whatever its merits in human terms might be.

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[40] I Samuel 8:18.

[41] The spirit of Christian love may well be said to free a person from the rigid legality of Jewish orthopraxis, but it is not antinomian—it is no excuse for not respecting the Law or creating disorder in the world of real persons. Unfortunately, this distinction was lost on some Christian revolutionaries intent on ushering in the New Jerusalem by violent or political means (Taborites, the followers of John of Leiden at Münster, and Christian socialists).

8. Instead of a conclusion

In his *Mere Christianity*, C.S. Lewis wrote:[42] "Most of us are not really approaching the subject in order to find out what Christianity says: we are approaching it in the hope of finding support from Christianity for the views of our own party. We are looking for an ally where we are offered a Master or—a Judge."

Apart from the fact that a Master and a Judge are hardly the same thing, perhaps Lewis got it backwards. Are there not many who approach the bible and Christianity in the hope of finding a Master where there is only a friend, reluctant to make any other deal than that there will be no deals, no occasions for passing the buck, and no evasions or entanglements of responsibility? What *is* the point of peering into the perfect law of freedom and being a doer who acts?

[42] C.S. Lewis, Mere Christianity, HarperCollinsPublishers, London, s.d., p.87